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ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
SILICON TEST SOLUTIONS LLC, and WESLEY
MAYDER

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC., a Delaware Corporation,

Plaintiff,

v.

ROMI MAYDER, an individual; WESLEY
MAYDER, an individual; SILICON TEST
SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 5:07-cv-04330-RMW (HRL)

**DECLARATION OF TIM C. HALE IN
SUPPORT OF DEFENDANTS' MOTION
TO COMPEL POCHOWSKI DOCUMENTS**

Before: Judge Ronald Whyte

Date: September 30, 2008

Time: 9:00 a.m.

Ctrm.: 2

Before Mag. Howard Lloyd

Complaint Filed: August 22, 2007

Trial Date: December 8, 2008 (jury trial)

(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY
DOCUMENT SUBMITTED UNDER SEAL

1 I, Tim C. Hale, hereby declare as follows:

2 1. I am a member of the law firm of Russo & Hale LLP, counsel for defendants Romi
3 Mayder, Silicon Test Systems, Inc., Silicon Test Solutions LLC, and Wesley Mayder in this
4 action. I am a member in good standing for over 20 years of the State Bar of California, licensed
5 to practice in the Northern District of California. I make the statements herein of my personal
6 knowledge, and if called upon to testify in this Court, my testimony would be as stated herein.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of what I am informed and
8 believe was the first document request propounded by the Defendants in this action and which I
9 am informed and believe was served upon Verigy by Defendants' prior counsel.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of what I am informed and
11 believe is Plaintiff Verigy US, Inc.'s ("Verigy") response to Defendants' first document request.

12 4. Attached hereto as Exhibit 3 is a true and correct copy of what I am informed and
13 believe is a privilege log that Verigy produced along with its response to the first request for
14 documents from Defendants.

15 5. Attached hereto as Exhibit 4 is a true and correct copy of selected pages of what I
16 am informed and believe is the deposition transcript from a deposition taken in this action from
17 Robert Pochowski on October 2, 2007.

18 6. Attached hereto as Exhibit 5 is a true and correct copy of a letter I received from
19 Verigy counsel, Mr. Stebbins, written in response to my earlier letter to him in which I identified
20 the issues we had with the withheld documents, a true and correct copy of which is attached hereto
21 as Exhibit 6. In that letter, Mr. Stebbins made clear that Verigy's basis for claiming a common
22 interest with Mr. Pochowski was that both Verigy and Pochowski either were involved or feared
23 involvement in legal action with a common adversary, Romi Mayder. That is not a proper basis
24 for claiming common interest, and as noted in Defendants' papers, the interest between Verigy and
25 Pochowski is much more likely to be at odds, not common.

26 7. Attached hereto as Exhibit 7 is a true and correct copy of selected pages of what I
27 am informed and believe is the deposition transcript from a deposition taken in this action of
28 Robert Pochowski on November 19, 2007.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 forgoing is true and correct. Executed on August 26, 2008 in Palo Alto, California.

12 _____ /s/ Tim C. Hale
Tim C. Hale